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April 21, 2014

Via ECF

Honorable Mae A. D'Agostino, U.S.D.J.
United States District Court
Northern District of New York
James Hanley Federal Building
U.S. Courthouse
100 S. Clinton Street
Syracuse, NY 13261-7567

**Re: Osterweil v. Bartlett, et al.
Case No.: 1:09-cv-00825-MAD-CFH
Our File No.: 23251/1**

Dear Judge D'Agostino:

We represent Plaintiff, Alfred Osterweil, in the above-captioned matter.

Please accept this letter as Mr. Osterweil's request for leave to file a reply in connection with his motion for an award of fees and costs.

On or about March 10, 2014, Mr. Osterweil moved for an award of fees and costs as a prevailing party in this action pursuant to 42 U.S.C. §1988. On April 7, 2014, Defendant filed his opposition.

Due to the numerous factual and legal issues raised in Defendant's opposition, Mr. Osterweil seeks leave to file a reply, as such issues were not and could not be addressed in his initial moving papers. In light of court ordered depositions I am attending to in another matter, we respectfully request that Mr. Osterweil be given leave to file a reply on or before May 9, 2014. Defendant consents to this request in its entirety.



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We thank the Court for its courtesies in this matter

Respectfully submitted

/s/ Daniel L. Schmutter

Daniel L. Schmutter

DLS:amh

Cc Alfred Osterweil (Via email)
 Adrienne J. Kerwin, Office of Attorney General - Albany (Via ECF)